TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Acting Development Services Director/(954)

797-1101

PREPARED BY: Lise Bazinet, Planner II

SUBJECT: Quasi Judicial Hearing, Variance Application: V 5-6-07/07-33/Tuscan Villas/1380 South Flamingo Road/Generally located on the Northeast corner of Southwest 14th Street and Flamingo Road.

AFFECTED DISTRICT: District 3

ITEM REQUEST: Staff Requesting a Tabling/Withdrawal

TITLE OF AGENDA ITEM: V 5-6-07, Tuscan Villas/1380 South Flamingo Road

REPORT IN BRIEF: The petitioner (Jay C. Evans – Pillar Consultants, Inc.) is requesting a variance from the Land Development Code §12-107(A)(5)(a) Landscaping standards for lots and sites, Required landscape buffer and street trees for single-family and two-family districts adjacent to public right-of-way, FROM: a required 10 foot landscape buffer on site TO: waive the required landscape buffer on site fronting Southwest 14th Street and to locate the required buffer planting off-site, within this public right-of-way.

The petitioner proposes a nine (9) unit single-family residential development on the subject site. The property is located in the northeast corner of Flamingo Road and Southwest 14th Street. The site fronts public right-of-ways at all property lines (Flamingo Road – west, SW 14th Street – south, Frontage Road – east and north). The Land Development Regulations require single-family developments to provide a 10 foot landscape buffer adjacent to public right-of-ways, such landscape buffers must be on-site, and cannot be contained within any lot.

The petitioner is requesting to waive the required landscape buffer fronting Southwest 14th Street and locate it within this public right-of-way. A canal is located along Southwest 14th Street. The distance between the property line and the edge of pavement is 85 feet (50 feet of canal and 35 feet of green space). The intention of the landscape buffer requirement is to provide separation and visual buffer between the right-of way and the residential development.

PREVIOUS ACTIONS: N/A

CONCURRENCES: At the February 12, 2008 Planning & Zoning Board meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. (**Motion carried 4-0**)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the application complete and suitable for transmittal to the Town Council for further consideration. If the proposed variance is to be approved, staff recommends the following to be included as a condition of approval:

1. The right-of-way facing Southwest 14th Street must be maintained at all times by the Home Owners Association (HOA). Therefore, this requirement must be recorded in the HOA Documents.

Attachment(s): Planning Report

MEMORANDUM

PZ 2-23-08

TO: Mayor and Town Council

THROUGH: Gary Shimun, Town Administrator

Marcie Nolan, AICP, Acting Development Services Director

David Quigley, AICP, Planning & Zoning Manager

FROM: Lise Bazinet, Planner II

DATE: February 27, 2008

Re: V 5-6-07/Tuscan Villas (Variance Application)

REQUEST:

Staff is requesting that the above referenced item, currently scheduled on the March 5, 2008 Town Council meeting be tabled to March 19, 2008.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

At the February 12, 2008 Planning & Zoning Board meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. (Motion carried 4-0)

JUSTIFICATION:

Staff is requesting to table this item to include a Delegation Request as part of the Tuscan Villas project.

Application: V 5-6-07/07-33/Tuscan Villas

Original Report Date: 02/01/08 Revision(s): 02/06/08,

02/15/08, 02/21/08

Name: Jay C. Evans, Pillar Consultants, Inc. Address: 5230 S. University Drive, Suite 104

City: Davie, Florida 33328 **Phone:** (954) 680-6533 **Fax:** (954) 680-0323

Background Information

Date of Notification: February 6, 2008 **Number of**

Notifications: 197

Petitioner's Request: Variance from the Land Development Code §12-

107(A)(5)(a) Landscaping standards for lots and sites,

Required landscape buffer and street trees for single-family and two-family districts adjacent to public right-of-way, **FROM:** a required 10 foot landscape buffer on site **TO:** waive the required landscape buffer on site fronting Southwest 14th Street and to locate the required buffer planting off-site, within this public right-of-way.

Address: 1380 South Flamingo Road

Location: Generally located on the Northeast corner of Southwest

14th Street and Flamingo Road.

Future Land

Use Plan Map: Residential 5 DU/AC

Existing Zoning: R-4, Low Medium Density Dwelling District

Existing Use: Christian Fellowship Church and Single-Family Residence

Proposed Use: Nine (9) Single-Family Residences

Net Parcel Size: Approximately 3.89 acres (169,586 SF)

		<u>Surrounding Land</u>	
	Surrounding Uses:	<u>Use</u>	Plan
Designation	<u>on:</u>		
North:	Vacant Lot	Residential 5 I)U/AC
South:	Community Facility	Residential 1 D)U/AC
East:	Vacant Lot	Residential 5 I)U/AC
West:	Flamingo Road	Residential 1 I)U/AC

Surrounding Zoning:

North: RM-5, Low Medium Density Dwelling District

South: CF, Community Facility District

East: RM-5, Low Medium Density Dwelling District

West: R-1, Estate Dwelling District

Zoning History

Related Zoning History:

Records indicate that the existing Future Land Use Plan Map designation was in place at the time of annexation.

Previous Request(s) on same property:

Rezoning Request (ZB 12-1-92), changing the subject site from AG, Agricultural District, to R-5, Low Medium Dwelling District was approved on February 17, 1993.

Rezoning Request (ZB 1-2-96), Christian Fellowship, changing the subject site from R-5, Low Medium Dwelling District, to CF, Community Facilities District, was approved on February 21, 1996.

Plat Request (P 8-1-96), Christian Fellowship Plat, for 11,678 square feet of church use and related facilities, was approved on May 7, 1997, and subsequently recorded in Plat Book 165, Page 47.

Rezoning Request (ZB 7-2-03), Lemon/Bolender, changing the 3.07 acres site to the east from R-5, Low Medium Dwelling District, to AG, Agricultural District, was approved on November 3, 2003.

Rezoning Request (ZB 10-1-05), changing the subject site from CF, Community Facilities District to R-4, Low Medium Dwelling District, was approved on March 15, 2006.

Delegation Request (DG 12-1-06), this application is to modify the existing plat note which currently restricts the property to 8,800 square feet of church, one single family residence, and barn, to nine (9) single-family dwelling units.

Site Plan (SP 12-8-06), this application is to request Site Plan approval for nine (9) single-family residential lots.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-305), Rezoning, Special Permits, Variances, and Vacations or Abandonment of Rights-of-Way. The purpose of this division is to guide the processing and granting of rezoning, special permits, variances and vacations or abandonment of rights-of-way in a manner consistent with the Town of Davie

Comprehensive Plan, existing development and in a manner which protects the public health, safety and welfare.

Land Development Code (Section 12-107(A)(5)(a), Requires a 10 foot landscape buffer and street trees for single-family and two-family districts adjacent to public right-of-way.

Land Development Code (Section 12-24 (I) (2)), R-4, Low Medium Density Dwelling District. The R-5 District is intended to implement the five (5) units per acre residential classifications of the Town of Davie Future Land Use Plan and the residential classification of the Town of Davie Comprehensive Plan by providing for a low-medium density single-family dwelling district.

Land Development Code Section 12-81, Conventional Single-Family Development Standards. R-4 zoning district setbacks are front 25 feet, side 10 feet, and rear 15 feet.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The petitioner is requesting a variance from the Land Development Code §12-107, (A)(5)(a) landscaping standards for lots and sites, required landscape buffer and street trees for single-family and two-family districts adjacent to public right-of-way which requires a 10 foot landscape buffer.

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. If the proposed variance is to be approved, staff recommends the following to be included as a condition of approval:

1. The right-of-way facing Southwest 14th Street must be maintained at all times by the Home Owners Association (HOA). Therefore, this requirement must be recorded in the HOA Documents.

At the February 12, 2008 Planning & Zoning Board meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was

as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – absent; Ms. Turin – yes. (**Motion carried 4-0**)

Exhibits

 $File\ Location:\ P\&Z \backslash Development\ Applications \backslash Applications \backslash V_Variance \backslash V_07 \backslash V\ 5-6-07\ Tuscan\ Villas$



JUSTIFICATION STATEMENT IN SUPPORT OF A REQUEST FOR VARIANCE from ULDC Sec. 12-107(A)5.a May 1, 2007

The subject property consists of one parcel containing approximately 3.89 Acres (zoned R-4 with 9 proposed single family home lots). It is located in Section 12, Township 50, Range 40 and generally lies at the northeast corner of the intersection at Flamingo Road and SW 14th Street.

Mohammad M. Rehman is the record owner of the subject property.

ULDC Sec. 12-107(A)5.a states that a 10' landscape buffer is required for single-family developments adjacent to public right-of-way. The variance sought is to not provide the landscape buffer within the development, but rather plant (the required buffer plantings) within the adjacent Right-of-Way.

The proposed site is unique to most parcels of land where the property is bounded by public Right-of-Way on all property lines (Flamingo Road - west, SW 14th St. - south, Flamingo frontage road - east & north). The current criteria would require a landscape buffer on all sides of the property. The criteria also requires that landscape buffers shall not be contained within any lot. The inclusion of these buffers (on all property lines) would drastically reduce the single family home building area, where the building setbacks would have to be measured from the buffer and not the property line (leaving as little as 40' for the buildable width).

The site is currently zoned R-4 with an allowable density of approximately 15 lots (based on 4 units/acre). The proposed development has only 9 lots which is considerably less than what could be allowed. It was the intent of the developer to not have high density, but rather to have a quality product that incorporates a rural style and design.

General Contracting • Design/Build • Construction Management Consulting Engineers • Planners • Surveyors

5230 SOUTH UNIVERSITY DRIVE, SUITE 104 • DAVIE, FLORIDA 33328 • OFFICE 954-680-6533 • FAX 954-680-0323

Exhibit 2 (Mail-out Map)

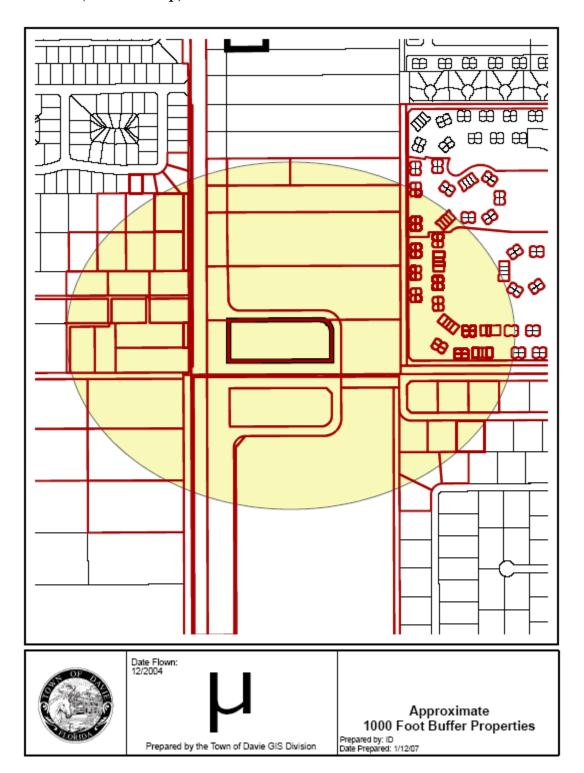


Exhibit 3 (Mail-out)

V 5-6-07 ALLEN,KENNETH R & ALLEN,SANDRA L 12511 SW 13 ST DAVIE FL 33325-4422

V 5-6-07 ARCHIPRETE, WINIFRED 1175 SW 120 WAY DAVIE FL 33325-3861

V 5-6-07 BRAUNSTEIN,BENJAMIN E STRASHUN-BRAUNSTEIN,BETH E 11925 SW 13 CT DAVIE FL 33325-6601

V 5-6-07 CESPEDES,GONZALO A 11924 SW 13 CT DAVIE FL 33325-6600

V 5-6-07 CONNELL,JUDITH 11907 SW 13TH CT DAVIE FL 33325-3833

V 5-6-07 DORMINEY,DAVID E & DOLLY H 11921 SW 13TH CT DAVIE FL 33325-6601

V 5-6-07 FAY,MICHAEL R & SONIA M 11914 SW 13TH CT DAVIE FL 33325-6600

V 5-6-07 FLAMINGO RANCH ESTATES LLC 1551 NW 100 TER PLANTATION FL 33322

V 5-6-07 GALLO,LUIS F 1200 DANBURY AVE DAVIE FL 33325-1243

V 5-6-07 GIANISIS,IRENE LE GIANISIS,ANDREW 1070 SW 124TH WAY DAVIE FL 33325-5549 V 5-6-07 ALMARALES,KELVIN 1249 S FLAMINGO ROAD DAVIE FL 33325-4409

V 5-6-07 BOLLMAN,KURT D 12440 SW 11 CT DAVIE FL 33325-5527

V 5-6-07 CAPUTO,ROCCO C III & WHITNEY,NOELLE 11922 SW 13 CT DAVIE FL 33325-6600

V 5-6-07 CLINTON,CHERYL M 1221 SW 120 WAY DAVIE FL 33325-3896

V 5-6-07 CUNNINGHAM, CHRISTINE ADA CUNNINGHAM, RONNIE CLAIR 1310 SW 120 WAY DAVIE FL 33325-3834

V 5-6-07 FAILLO,RALPH J & PATRICIA J 1226 SW 120 WAY DAVIE FL 33325-3870

V 5-6-07 FERNANDEZ,ANA 11906 SW 13TH CT DAVIE FL 33325-3819

V 5-6-07 FLORIDA DEPT OF TRANSPORTATION OFFICE OF RIGHT OF WAY 3400 W COMMERCIAL BLVD FORT LAUDERDALE FL 33309-3421

V 5-6-07 GARBER, DANIEL P 1207 SW 120TH WAY DAVIE FL 33325-3871

V 5-6-07 GIRAUD,PIERRE P 11965 SW 15 CT DAVIE FL 33325 V 5-6-07 ALTIERI,DOMINICK J & MERCEDES 11923 SW 13TH CT DAVIE FL 33325-6601

V 5-6-07 BRACERO,MARY D 1316 SW 120 WAY DAVIE FL 33325-3834

V 5-6-07 CENTRAL BROWARD WATER CONTROL DISTRICT 8020 STIRLING ROAD HOLLYWOOD FL 33024

V 5-6-07 COLACCHIO,ELAINE J LIV TR BARTELSEN,LAWRENCE H TRUSTEE 11900 SW 13TH CT DAVIE FL 33325-3819

V 5-6-07 DEL VALLE,AURELIO & MARIA D 14437 SW 44TH ST MIAMI FL 33175-6842

V 5-6-07 FAMILIA,LINDA L 11902 SW 13 CT DAVIE FL 33325-3819

V 5-6-07 FLAMINGO ISLES CORP 350 S OCEAN BLVD STE 10B BOCA RATON FL 33432

V 5-6-07 FRAZEL,WILLIAM E & MAUREEN S 12500 SW 12TH ST DAVIE FL 33325-4420

V 5-6-07 GARCIA,MARTHA 1177 SW 120 WAY DAVIE FL 33325-3861

V 5-6-07 GONZALEZ,GUSTAVO A 11904 SW 13 CT DAVIE FL 33325 V 5-6-07 GOOD, JAMES LIV TR 5035 RUSTIC OAKS CIRCLE NAPLES FL 34105

V 5-6-07 HARWICK,TAMARA 1205 SW 120 WAY DAVIE FL 33325-3871

V 5-6-07 HOFFMAN,ERIC D 11927 SW 13 CT DAVIE FL 33325

V 5-6-07 JOHNSON,R E & MARIE 12411 SW 12TH ST DAVIE FL 33325-4418

V 5-6-07 KINLOCH,SANDRA & KINLOCH,IAN & KINLOCH,SILMA 11917 SW 13 CT DAVIE FL 33325-6601

V 5-6-07 LENA,MICHAEL LENA,FRANCES 1301 SW 120 WAY DAVIE FL 33325-3844

V 5-6-07 MCCORD,LUKE A 1302 SW 120 WAY DAVIE FL 33325

V 5-6-07 O'NEILL,DANIEL J & PATRICIA 1201 SW 120TH WAY DAVIE FL 33325-3871

V 5-6-07 PEPIN,BRIGITTE 1173 SW 120 AVE DAVIE FL 33325-3861

V 5-6-07 PIERSON,GEORGE & BARBARA 11975 SW 15TH CT DAVIE FL 33325-4633 V 5-6-07 HALE,BONNIE H 1305 SW 120TH WAY DAVIE FL 33325-3844

V 5-6-07 HENNING,RALPH J & PATRICIA E 12520 SW 12TH ST DAVIE FL 33325-4420

V 5-6-07 HSU,CHENG LIN & PENG,WEILI 18501 NW 11TH ST PEMBROKE PINES FL 33029-3613

V 5-6-07 KADE INVESTMENT LLC 7027 W BROWARD BLVD PMB #205 PLANTATION FL 33317

V 5-6-07 LARKIN,NANCY C 1212 SW 120TH WAY DAVIE FL 33325-3870

V 5-6-07 LEYLAND,EDWARD A MANSON & LEYLAND,BHAVNA 1300 SW 120 WAY DAVIE FL 33063

V 5-6-07 NEER,ROBERT B 11905 SW 13 CT DAVIE FL 33325-3833

V 5-6-07 PALERMO,NICHOLAS D & THERESA 11936 SW 12TH CT DAVIE FL 33325-3801

V 5-6-07 PEREZ,ELIO & PEREZ,MARIO ELVIRA 1214 SW 120 WAY DAVIE FL 33325

V 5-6-07 RATTE,MICHEL & MALEYNE 12401 SW 12 ST DAVIE FL 33325-4418 V 5-6-07 HARRELD,ERIN A HARRELD,JOEL I 11912 SW 13 CT DAVIE FL 33325

V 5-6-07 HEZARD,GILLES G & KALEN SUE 1224 SW 120 WAY DAVIE FL 33325-3870

V 5-6-07 JOHNSON,DOUGLAS P JOHNSON,DINA MARIE 1521 SW 120 TER DAVIE FL 33325-4603

V 5-6-07 KEARNEY,KIMBERLY A 1215 SW 120 WAY DAVIE FL 33325-3871

V 5-6-07 LEBLANC,STEPHANIE 1210 SW 120 WAY DAVIE FL 33325-3870

V 5-6-07 LICATA,ROSARIO 11911 SW 138 CT DAVIE FL 33325

V 5-6-07 NERZIG,SANDRA 1203 SW 120 WAY DAVIE FL 33325-3871

V 5-6-07 PARKWAY CHRISTIAN CHURCH INC 1200 S FLAMINGO ROAD DAVIE FL 33325-4410

V 5-6-07 PERRY,JODY A ZINGMAN,MARCIA J 11920 SW 13TH CT DAVIE FL 33325-6600

V 5-6-07 RENDFREY,SANDRA L 12511 SW 13TH ST DAVIE FL 33325-4422 V 5-6-07 RENDFREY,SANDRA L ALLEN,KENNETH R 12511 SW 13TH ST DAVIE FL 33325-4422

V 5-6-07 RODRIGUEZ,SUSIE 1227 SW 120TH WAY DAVIE FL 33325-3896

V 5-6-07 SCHACK,ARLENE 1220 SW 120 WAY DAVIE FL 33325

V 5-6-07 SHERIDAN HOUSE INC 4200 SW 54 CT DAVIE FL 33314

V 5-6-07 SPARKS,KATHRYN J 1223 SW 120TH WAY DAVIE FL 33325-3896

V 5-6-07 SWINK,JANE ANN 11934 SW 12 CT DAVIE FL 33325-3801

V 5-6-07 THYAGARAJAN,SUNDAR SUNDAR,VIJAYSHREE 1216 SW 120TH WAY DAVIE FL 33325-3870

V 5-6-07 VELASQUEZ,JULIO SAMAME,ELENA 1303 SW 120TH WAY DAVIE FL 33325-3844

V 5-6-07 WALDRON, JANET 1222 SW 120 WAY DAVIE FL 33325-3870

V 5-6-07 WETZLER,GEORGE R JR 12430 SW 11 CT DAVIE FL 33325-5527 V 5-6-07 RODRIGUEZ FAMILY HOLDINGS INC 7900 NOVA DRIVE #201 DAVIE FL 33334

V 5-6-07 SARNA,TYLER & SUSAN M 12565 SW 14 ST DAVIE FL 33325-4411

V 5-6-07 SCURRY,WILLIAM P & CYNTHIA A 1060 SW 124TH WAY DAVIE FL 33325-5549

V 5-6-07 SHINE,SHARI UNGER 1312 SW 120TH WAY DAVIE FL 33325-3834

V 5-6-07 STEVENSON,MICHAEL & CATHERINE M 11910 SW 13 CT DAVIE FL 33325

V 5-6-07 SZŁOSEK,DONNA J 11913 SW 13 CT DAVIE FL 33325-6601

V 5-6-07 TSINTGIRAS, JAMES V TRSTEE % GREEN EARTH NURSERY 1130 S FLAMINGO RD DAVIE FL 33325

V 5-6-07 VERGARA,ALONSO & LIBIDA 1306 SW 120 WAY DAVIE FL 33325-3834

V 5-6-07 WATSON,DARREN J & JENNIFER K 11926 SW 13 CT DAVIE FL 33325-6600

V 5-6-07 WHEELER,A T & TURNER,W N 255 LOMBARDY AVE FORT LAUDERDALE FL 33308-3505 V 5-6-07 RODRIGUEZ, SAMUEL & ISABEL 12420 SW 11 CT DAVIE FL 33325-5527

V 5-6-07 SAVOY,MARC SAVOY,ROSE 12555 SW 14 ST DAVIE FL 33325-4411

V 5-6-07 SHAW,SUSAN & SHAW,WILLIAM 1314 SW 120 WAY DAVIE FL 33325-3834

V 5-6-07 SMITH,G E & MYRNA G 12400 SW 12TH ST DAVIE FL 33325-4419

V 5-6-07 SWANSON,IAN & KATHY 12500 SW 13 ST DAVIE FL 33325-4421

V 5-6-07 THEMMEN,ERIK R & PASS,KIMBERLY E 1304 SW 120 WAY DAVIE FL 33325-3834

V 5-6-07 UR-REHMAN,MOHAMMAD MOIN 1380 S FLAMINGO ROAD DAVIE FL 33325-4412

V 5-6-07 VILLAGE AT LAKE PINE II HMOWNRS % D C I 1325 SW 120 WAY DAVIE FL 33325

V 5-6-07 WEISZ,SYLVIA 1211 SW 120TH WAY DAVIE FL 33325-3871

V 5-6-07 WOMACKS,ELDEN C & INA I 11932 SW 12TH CT DAVIE FL 33325-3801 V 5-6-07 WOOD,ROSSY 1307 SW 120 WAY DAVIE FL 33325-3844 V 5-6-07 WOOTEN, VINCE A 11915 SW 13 CT DAVIE FL 33325-6601 V 5-6-07 WRICH,TIMOTHY 5555 DAVIE RD DAVIE FL 33314

V 5-6-07 ZAGAMI,KATHLEEN GALLO 331 BIRCHWOOD RD MEDFORD NY 11763

Exhibit 4 (Site Plan)

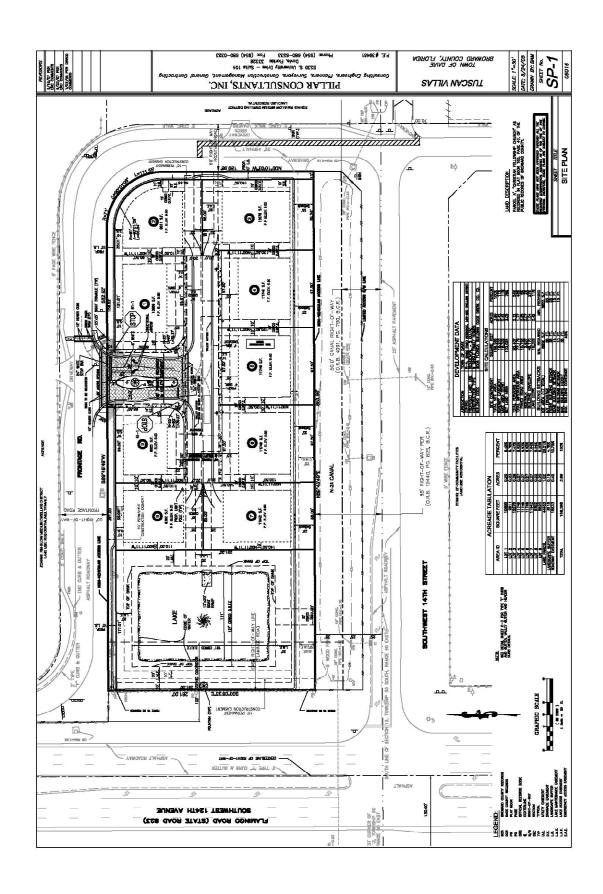


Exhibit 5 (Future Land Use Map)

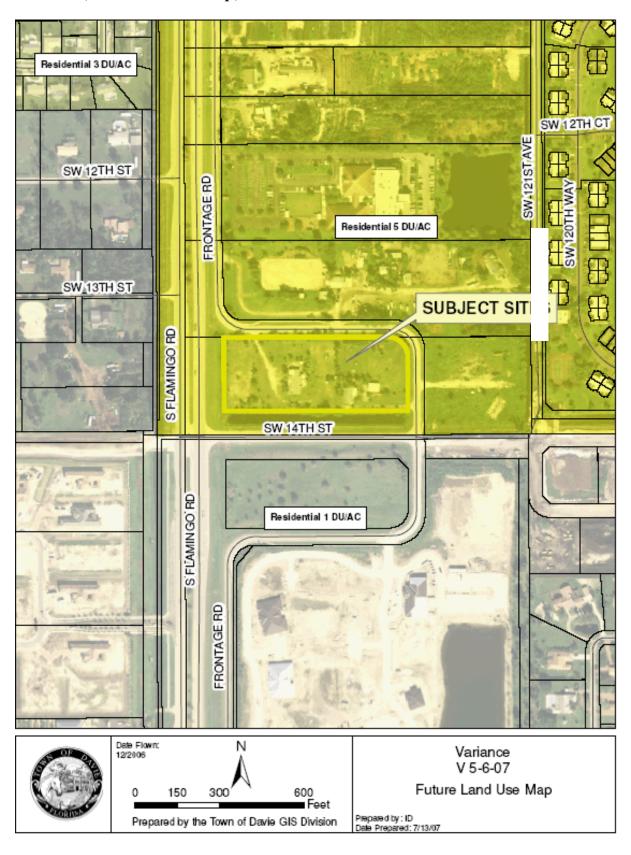


Exhibit 6 (Aerial, Zoning, and Subject Site Map)

